

REMARKS

Upon entry of this amendment, Claims 1, 4-11, 15 and 17 are pending in this application.

Applicant acknowledges the withdrawal of objections and rejections as cited in paragraphs 3-4 of the Action dated 6/25/04.

Objection to the Specification

The specification is objected to as missing information at pages 20-21. Appropriate correction will be made upon receiving an indication of allowability of the claims.

Rejections under 35 USC § 112

Claims 4-7 are rejected under section 112, first paragraph. (Action, Paragraphs 20-24). Applicant has amended Claims 1 and 4. Applicant requests that the rejection be withdrawn in view of the amendments.

Claims 4 and 10 are rejected under section 112, second paragraph (Action, paragraphs 25-26). Claims 1, 4 and 10 are amended. In view of the amendments, Applicant requests withdrawal of the rejections.

Claims 7 and 9 are rejected under section 112, second paragraph (Action, paragraphs 27-28). Claims 1, 7 and 9 have been amended. In view of the amendment, Applicant requests the withdrawal of the rejection.

Claims 9-10 and 15 are rejected under section 112, second paragraph for reciting "relative activity" (Action, paragraphs 29-30). The claims are amended and no longer recite "relative activity". Applicant requests withdrawal of the rejection.

Claims 4-5, 7-11 and 17 are rejected under section 112, second paragraph, for a variety of grammatical and formal matters (Action, paragraph 43). The claims have been amended. In view of the amendments, Applicant requests the withdrawal of the rejections.

Rejections 35 USC § 102

Claims 1, 4-6 are rejected under section 102(b) as anticipated by Eveland (Action, paragraphs 31-32). Applicant has amended Claim 1. Applicant requests that the rejection be withdrawn in view of the amendments.

Claims 1 is rejected under section 102(b) as anticipated by WO98/03533 for reasons of record (Action, paragraphs 33-34). Claim 1 is amended. In view of the amendment, Applicant requests withdrawal of the rejection.

Claims 1, 4-7 remain rejected under section 102(a or e) as anticipated by EP0889123 A2 (Action, paragraphs 35-36). Claim 1 is amended. In view of the amendment, Applicant requests withdrawal of the rejection.

Claims 1, 4-7 are rejected under section 102(e) in view of Black (Action paragraph 44) or Smith (Action, paragraph 45). Claim 1 has been amended. In view of the amendment, Applicant requests withdrawal of the rejections.

Claim Objections

Claims 4 and 10 are objected to over the recitation of “nucleotide” sequence (Action, paragraphs 39-40). Claims 4 and 10 have been amended. In view of the amendments, Applicant requests withdrawal of the objection.

Claim 7 is objected to over the phrase “in conditions under which allow” (Action, paragraphs 41-42). Claim 7 is amended. Applicant request withdrawal of the objection.

Teleconference

If the Examiner believes the prosecution of this application can be advanced by a teleconference, the Examiner is invited to contact Applicant’s undersigned attorney at the Examiner’s convenience, at the telephone number provide below.

CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The

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Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

CONCLUSION

In view of the foregoing remarks, it is believed that the grounds of the rejections have been addressed and that Claims 1, 4-11, 15 and 17 are in condition for allowance.

Respectfully submitted,

By 

Michael D. Yablonsky, Ph.D.

Reg. No. 40,407

Attorney for Applicant

MERCK & CO., INC.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-4678

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